

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

June 4, 2001

12:15 p.m.

The Council of the City of Roanoke met in regular session on Monday, June 4, 2001, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members Linda F. Wyatt, William D. Bestpitch, William H. Carder, W. Alvin Hudson, Jr., William White, Sr., and Mayor Ralph K. Smith-----6.

ABSENT: Council Member C. Nelson Harris-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

CITY ATTORNEY-COUNCIL: A report of the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a matter of probable litigation, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended, was before the body.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder moved that Council concur in the request of the City Attorney to convene in a Closed Meeting to consult with legal counsel on a matter of probable litigation, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

CITY ATTORNEY-COUNCIL: A report of the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a matter of pending litigation, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended, was before the body.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder moved that Council concur in the request of the City Attorney to convene in a Closed Meeting to consult with legal counsel on a matter of pending litigation, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

CITY COUNCIL: A communication from the Honorable C. Nelson Harris, Chair, City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the performance of two Council-Appointed Officers, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder moved that Council concur in the request of Council Member Harris to convene in a Closed Meeting to discuss the performance of two Council-Appointed Officers, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White,

and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

COMMITTEES-COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

Mr. White moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

At 12:20 p.m., the Mayor declared the meeting in recess.

At 2:00 p.m., on Monday, June 4, 2001, the regular meeting of Roanoke City Council reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members Linda F. Wyatt, William D. Bestpitch, William H. Carder, W. Alvin Hudson, Jr., William White, Sr., and Mayor Ralph K. Smith-----6.

ABSENT: Council Member C. Nelson Harris -----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Mayor Ralph K. Smith.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS:

ACTS OF ACKNOWLEDGMENT-CITY COUNCIL-DECEASED PERSONS:
Mr. White offered the following resolution memorializing the late William S. Hubbard, former Roanoke City Council Member:

(#35372-060401) A RESOLUTION in memory of William Stebbins Hubbard, a former member of Roanoke City Council, an exceptional businessman and an extraordinary community leader.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. White moved the adoption of Resolution No. 35372-060401. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

PUBLIC HEARINGS:

BONDS/BOND ISSUES-ROANOKE CIVIC CENTER: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, and instructions by Council, the City Clerk having advertised a public hearing for Monday, June 4, 2001, at 2:00 p.m., or as soon thereafter as the matter may be heard, to receive comments with regard to a proposed resolution authorizing the City to contract a debt and to issue general obligation public improvement bonds of the City (and in anticipation of the issuance thereof general obligation public improvement bond anticipation notes of the City), in the principal amount of \$3,000,000.00 for the purpose of

providing funds to pay the costs of a public improvement project of and for the City, consisting of capital improvements to the Roanoke Civic Center, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Monday, May 21, 2001, and Monday, May 28, 2001.

(See publisher's affidavit on file in the City Clerk's Office.)

A joint communication from the City Manager and the Director of Finance advising that on May 7, 2001, Council authorized City officials to enter into a License Agreement between the City of Roanoke and Arena Ventures, LLC, that would provide for use of the Civic Center Coliseum and certain related facilities by Arena Ventures; Arena Ventures will use the facilities to provide a certain number of National Basketball Development League games and a certain number of events produced by SFX Concerts, Inc., over a five year period; and in order to meet requirements of the license agreement, capital improvements to the Civic Center Coliseum in the amount of \$3 million are required, which funding will be provided by the issuance of general obligation bonds by the City, was before Council.

The City Manager and the Director of Finance recommended that Council adopt a resolution authorizing the issuance of \$3 million general obligation bonds, pursuant to the Public Finance Act of 1991 (Code of Virginia).

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder offered the following resolution:

(#35373-060401) A RESOLUTION authorizing the issuance of three million dollars (\$3,000,000.00) principal amount of general obligations of the City of Roanoke, Virginia, in the form of general obligation public improvement bonds of such city, for the purpose of providing funds to pay the costs of a public improvement project of and for such city, consisting of capital improvements to the Roanoke Civic Center; fixing the form, denomination and certain other details of such bonds; providing for the sale of such bonds; authorizing the preparation of a preliminary official statement and an official statement relating to such bonds and the distribution thereof and the execution of a certificate relating to such official statement; authorizing the execution

and delivery of a continuing disclosure certificate relating to such bonds; authorizing and providing for the issuance and sale of a like principal amount of general obligation public improvement bond anticipation notes in anticipation of the issuance and sale of such bonds; and otherwise providing with respect to the issuance, sale and delivery of such bonds and notes.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Carder moved the adoption of Resolution No. 35373-060401. The motion was seconded by Ms. Wyatt.

The Mayor inquired if there were persons present who would like to address Council with regard to the matter. There being none, Resolution No. 35373-060401 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

Council Member Wyatt expressed concern that the Civic Center facility is currently booked to capacity, and because of the high activity level, she requested a report from the City Manager with regard to the timetable for completion of one of the exhibit halls and the funding mechanism.

The City Manager advised that the abovereferenced \$3 million renovations can be accomplished without hampering previously scheduled events, and the issue of additional exhibit hall space was addressed with Council on a preliminary basis during previous discussions regarding future needs of the Civic Center. She added that the first \$3 million is dedicated to those immediate improvements that are needed to accommodate the various sports franchises, and in the long term, if multiple events are to be scheduled in the facility, certain repairs and additional exhibit hall space will be necessary.

Without objection by Council, the Mayor advised that the public hearing would be closed.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the special sessions of Roanoke City Council held on Monday, April 23, 2001; the regular meeting held on Monday, May 7, 2001, and recessed until Thursday, May 10, 2001, for the Second Annual Leadership Summit; and the regular meeting held on Monday, May 21, 2001, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. White moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

OATHS OF OFFICE-COMMITTEES-PENSIONS: A communication from Robert E. Tonkinson, Jr., tendering his resignation as a member of the Board of Trustees, City of Roanoke Pension Plan, effective June 30, 2001.

(For full text, see communication on file in the City Clerk's Office.)

Mr. White moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

TAXES-SPECIAL PERMITS: A communication from the City Manager advising that the Blue Ridge Small Business Development Center, Inc., owner of properties described as Official Tax Nos. 1130809, 1130719, 1130511, 1130512, 1130514, 1130515, and 1130516, has submitted an application for tax exemption, which land is currently home to the New Century Venture Center, an incubator for small businesses; and prior to considering the application, the Code of Virginia (1950), as amended, requires that City Council hold a public hearing.

The City Manager recommended that she be authorized to advertise a public hearing for Monday, June 18, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, to consider the application.

(For full text, see communication on file in the City Clerk's Office.)

Mr. White moved that Council concur in the recommendation of the City Manager. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

OATHS OF OFFICE-COMMITTEES-HOTEL ROANOKE CONFERENCE CENTER: The following report of qualification was before Council:

Minnis E. Ridenhour as a Commissioner of the Hotel Roanoke Conference Center Commission for a term ending February 24, 2005.

(See Oath or Affirmation of Office on file in the City Clerk's Office.)

Mr. White moved that the report of qualification be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

REGULAR AGENDA

HEARING OF CITIZENS UPON PUBLIC MATTERS: None.

PETITIONS AND COMMUNICATIONS: None.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: None.

ITEMS RECOMMENDED FOR ACTION:

POLICE DEPARTMENT-HOUSING/AUTHORITY-EQUIPMENT: The City Manager submitted a communication advising that when the Police Department instituted the Community Oriented Police Effort (C.O.P.E.) in 1991, the Department began investigating the reasons for the high number of calls and crime in Housing Authority residences; the Police Department determined that the residents feared those individuals who did not live in the complexes who were causing crime and disorder, and trespassers, not residents, were committing the majority of offenses; with the assistance of the Police Department, the Housing Authority started barring these individuals from the properties that they controlled, but with only limited success toward controlling the problem; and in the year 2000, the Barment Program was developed which gave police officers the authority to bar individuals who were observed committing criminal offenses on Housing Authority properties and enforce trespassing laws for those individuals who had been previously barred.

It was further advised that the Police Department, using innovative technology, has developed a "Trespassing Tracking System", which would provide police officers with immediate access to photographs of barred individuals, along with comprehensive personal data on each barred person; typically, trespassers on Housing Authority properties carry no identification which makes identification by police officers of individuals who have been barred difficult; without immediate

positive identification, the officer is unable to enforce trespassing laws and, therefore, is unable to effectively carry out the barment program in an effort to reduce crime and fear; using this system, police officers would have access, via a laptop computer, to a database that would include all pertinent information on the barred subject, along with a photograph for identification purposes; and the goal of the program is to enhance the quality of life for residents living on Roanoke Redevelopment and Housing Authority properties and to increase the safety of these areas by removing those individuals who are the source of criminal activity and in many instances prey upon residents who live in these communities.

It was explained that implementation of the program will require the purchase of laptop computers, digital cameras, and software to build the database of barred persons; and the Roanoke Redevelopment and Housing Authority would like to provide \$20,000.00 to the Roanoke Police Department to fund implementation of the Trespassing Tracking System.

The City Manager recommended that Council accept and appropriate a \$20,000.00 grant from the Roanoke Redevelopment and Housing Authority into accounts to be established by the Director of Finance in the Grant Fund for expendable equipment; and establish a revenue estimate in the same amount in the Grant Fund.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35374-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35374-060401. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

Mr. Bestpitch offered the following resolution:

(#35375-060401) A RESOLUTION accepting and expressing appreciation for the grant from the Roanoke Redevelopment and Housing Authority.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Bestpitch moved the adoption of Resolution No. 35375-060401. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

DONATIONS/CONTRIBUTIONS-NORFOLK SOUTHERN CORPORATION-VIRGINIA TRANSPORTATION MUSEUM: The City Manager submitted a communication advising that Shenandoah-Virginia Corporation, a wholly owned subsidiary of Norfolk Southern Railway Company, would like to donate the Number 1218 Steam Locomotive to the City of Roanoke; with Council's acceptance of this gift, the locomotive will be showcased at the Virginia Museum of Transportation's railyard, according to provisions outlined by Shenandoah-Virginia Corporation in a draft agreement; and the Transportation Museum has agreed to insure the locomotive and to maintain same as a part of the Museum's collection.

It was further advised that the donation of the 1218 will not take effect until Center in the Square successfully obtains exclusive rights from O. Winston Link's Estate to house the O. Winston Link Museum at the former Norfolk and Western Railway Company passenger station, and until Center in the Square satisfies Shenandoah-Virginia Corporation that locating the 1218 Locomotive at the Virginia Museum of Transportation meets any and all of the Estate's conditions for obtaining such rights.

The City Manager recommended that she be authorized to execute an agreement, and any other necessary documents, in a form approved by the City Attorney, to accept the donation of the 1218 locomotive from Shenandoah-Virginia Corporation to be showcased at the Virginia Museum of Transportation and that the City of Roanoke express appreciation for the donation.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Hudson offered the following resolution:

(#35376-060401) A RESOLUTION authorizing the City Manager to execute an Agreement, and any other necessary documents, for acceptance of the donation of the 1218 Locomotive from the Shenandoah-Virginia Corporation, a wholly owned subsidiary of Norfolk Southern Railway Company, and expressing appreciation for the donation.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Hudson moved the adoption of Resolution No. 35376-060401. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

BUDGET-GRANTS-POLICE DEPARTMENT: The City Manager submitted a communication advising that in 1986, Congress authorized the transfer of certain Federally forfeited property to State and local law enforcement agencies that participated in the investigation and seizure of the property; application for an equitable share of property seized by local law enforcement must be made to the U. S. Department of Justice and certified by the City Attorney; and the property, including funds shared with State and local agencies, may be used only for the purpose stated in the application, i.e., narcotics investigations related to law enforcement.

It was further advised that participation in Federally forfeited property enhances the effectiveness of narcotics investigations by providing necessary investigations equipment, investigative funds, overtime expenses, and offsets the costs that would otherwise have to be borne by the City's taxpayers; and revenues totaling \$28,568.00 have been collected and are available for appropriation in Grant Fund Account Nos. 035-640-3304-3305 and 035-640-3304-3306.

The City Manager recommended that Council appropriate \$28,568.00 to the

Grant Fund, Account for Exp. Equipment (No. 035-640-3304-2035) and increase the Grant Fund revenue estimate for Account No. 035-640-3304-3305 by \$25,801.00 and Account No. 035-640-3304-3306 by \$2,767.00.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency Ordinance:

(#35377-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35377-060401. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

BUDGET-FDETC-FIRST UNION NATIONAL BANK-ECONOMIC DEVELOPMENT: The City Manager submitted a communication advising that the City of Roanoke, First Union and the Fifth District Employment and Training Consortium (FDETC) agreed that if First Union would maintain 420 jobs in Enterprise Zone One, training funds would be available; the agreement states that First Union is responsible for repaying \$400.00 for each position below 420; an October 2000 compliance review noted that only 335 First Union employees are now located in Enterprise Zone One; the City of Roanoke recently received a check from First Union in the amount of \$34,000.00, representing repayment for 85 positions; and said funds need to be appropriated to an account within the City's budget.

It was further advised that the penalty repayment provides an opportunity to further maintain and stimulate economic activity within Enterprise Zone One; currently, the Roanoke City Market Building (also located in Enterprise Zone One) is

in need of various repairs and improvements; and such improvements will sustain business growth and expansion within the Market Building.

The City Manager recommended that Council appropriate First Union repayment funds to an account to be established in the Capital Projects Fund by the Director of Finance to be designated for Market Building Improvements.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35378-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35378-060401. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

INDUSTRIES-ECONOMIC DEVELOPMENT: The City Manager submitted a communication advising that in 1999, budget Ordinance No. 34214 appropriated \$450,000.00 in State Industrial Access Funds to Account No. 008-002-9700-9007 for the Johnson & Johnson project; since the appropriation, the City has been notified as to the ineligibility of this project for Industrial Access Funds, therefore, funds must be de-appropriated; and the funds have not been received by the City or used on any project; therefore, de-appropriation is the only required action and alternate funding is not needed.

The City Manager recommended that Council de-appropriate funds in Account No. 008-002-9700-9007, Johnson and Johnson Offsite Improvements, and reverse the

account receivable in the same amount in Account No. 008-1251, Industrial Access Due From State.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35379-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35379-060401. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

BUDGET-CMERP-EQUIPMENT-WATER RESOURCES-SEWERS AND STORM DRAINS-SIDEWALK/CURB AND GUTTER: The City Manager submitted a communication advising that on October 2, 2000, Council concurred in funding recommendations for fiscal year 2000-01 Capital Maintenance and Equipment Replacement Program (CMERP); CMERP is used to fund equipment purchases, maintenance and other one-time priority purchases; and approval by Council is required for appropriation of funds from CMERP to various accounts to allow for acquisition of the following:

National Pollution Discharge Elimination System (NPDES)

Phase 2 - \$110,000.00

To prepare the required permit application and address funding for this new EPA law which the City must comply with beginning in 2003.

Miscellaneous Storm Drain Projects - \$155,000.00

To provide for land acquisition, design and construction of the City's highest-priority, small storm drain projects.

Curb and Gutter - \$50,000.00

To provide curb and gutter required for the construction of certain storm drain projects.

The City Manager recommended that Council appropriate \$315,000.00 to departmental accounts as follows:

\$110,000.00 to an account in the Capital Projects Fund to be established by the Director of Finance entitled, "NPDES Phase 2".

\$155,000.00 to Miscellaneous Storm Drain, Account No. 008-530-9736.

\$50,000.00 to an account in the Capital Projects Fund to be established by the Director of Finance entitled, "Curb to Support Drainage Projects".

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35380-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General and Capital Projects Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35380-060401. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

WORKERS' COMPENSATION-CITY EMPLOYEES: The City Manager submitted a communication advising that Workers' Compensation is defined as the "exclusive

remedy, under law, for all covered employees for compensating injuries and occupational diseases arising in the course of and within the scope of employment.”; the City is currently self-insured for Workers’ Compensation liability with excess insurance above the \$1,000,000.00 (per occurrence) level; funding has been budgeted in the General Fund for the current fiscal year to cover Workers’ Compensation wage and medical payments; and these types of fringe benefits are budgeted as a lump sum in the non-departmental category because annual charges for each department are difficult to project accurately.

It was further advised that payments in the General Fund in fiscal year 2001 are expected to total \$1,102,328.00 based on trends through April; expenses in fiscal year 2001 are higher than they typically have been due to large medical costs; in fiscal year 2001, there have been large individual payments for various heart ailments, injuries and infections, many of which have dates of injury occurring prior to fiscal year 2001; and funding to cover these payments is available from budgeted Workers’ Compensation supplemented by funding from the General Fund contingency balance and residential detention services.

The City Manager recommended that Council authorize the transfer of \$1,102,328.00 to cover Workers’ Compensation claims in departmental Workers’ Compensation accounts from the following sources:

| <u>Funding Sources:</u> | <u>Account No.</u> | <u>Amount</u> |
|--------------------------------|--------------------|---------------------|
| Workers’ Compensation-Wages | 001-250-9110-1135 | \$400,000.00 |
| Workers’ Compensation-Medical | 001-250-9110-1140 | \$400,000.00 |
| Contingency Fund | 001-300-9410-2199 | \$152,328.00 |
| Residential Detention Services | 001-121-2130-2008 | <u>\$150,000.00</u> |
| | | \$1,102,328.00 |

(For full text, see communication on file in the City Clerk’s Office.)

Mr. Carder offered the following emergency ordinance:

(#35381-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35381-060401. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

HUMAN DEVELOPMENT-LEASES: The City Manager submitted a communication advising that the State Department of Social Services is interested in providing two classrooms, which will be used to provide computer training to the Department of Social Services agency staff for the Piedmont region; Roanoke is the largest agency in the region and presently staff is being sent to other locations such as Richmond, Northern Virginia and Tidewater which requires overnight stay for some seminars.

It was further advised that classrooms will utilize a 2,200 square foot area adjacent to current leased space; and the rate is \$30,984.00 annually which includes the cost for renovations, with the cost to be reimbursed 100 per cent by the State.

The City Manager recommended that Council execute a lease agreement with First Campbell Square, LLC, such agreement to be approved as to form by the City Attorney, for 2,200 square feet for a lease term of five years, ending April 30, 2006; and appropriate \$30,984.00 to VISSTA, Account No. 001-630-5318-3075, and increase the General Fund Revenue estimate by \$30,984.00 in Account No. 001-110-1234-0671.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Hudson offered the following emergency ordinance:

(#35382-060401) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Hudson moved the adoption of Ordinance No. 35382-060401. The motion was seconded by Mr. White and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

Mr. Carder offered the following resolution:

(#35383-060401) A RESOLUTION authorizing the City Manager to enter into a lease agreement with First Campbell Square, LLC, for the lease of space at 210 First Street, for use by the City of Roanoke, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Carder moved the adoption of Resolution No. 35383-060401. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

POLICE DEPARTMENT-BUDGET-GRANTS-FIFTH PLANNING DISTRICT COMMISSION-DISABILITY SERVICES BOARD: The City Manager submitted a communication advising that the Fifth District Disability Services Board (DSB) is responsible to local governments and serves as a critical resource for needs assessment, information sharing and service opportunities for citizens with disabilities, their families and the community; and Council authorized the Director of Finance to serve as fiscal agent for the Fifth Planning District Disabilities Services Board on September 25, 1995, pursuant to Resolution No. 32675-092595.

It was further advised that the State Department of Rehabilitative Services has allocated funds in the amount of \$7,000.00 to the Fifth District DSB for the Brain Injury Association of Virginia, to provide an education program in the Roanoke area; the Brain Injury Association of Virginia will provide a local cash match of \$701.00 which will also be used toward scholarship funds for program participants; funds will be used to provide an education program in the Roanoke area, specifically to provide 100 scholarships valued at \$70.00 each for attendees to a full day's conference on brain injury, featuring nationally recognized speakers; and this project will be the first

effort to conduct a brain injury education program in the Roanoke area with a target audience of survivors of brain injury, caregivers and service providers.

The City Manager recommended that Council appropriate \$7,701.00 to Fees for Professional Services in a grant fund account to be established by the Director of Finance and create a corresponding revenue estimate from the State Department of Rehabilitative Services to provide funding for the Fifth District Disabilities Services Board.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35384-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35384-060401. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

Council Member Wyatt suggested that law enforcement officers and attorneys receive educational training with regard to persons suffering from head trauma.

CITY CODE-PARKS AND RECREATION-FEE COMPENDIUM: The City Manager submitted a communication advising that on April 16, 2001, Council revised the Alcohol Ordinance, City Code §26-97, Possession or consumption of alcoholic beverages, Article IV, Parks, Chapter 24, Public Buildings and Property, to allow, pursuant to issuance of a City alcohol permit, the possession or consumption of alcoholic beverages at certain specific locations: Elmwood Park, Mill Mountain Park, Century Square, First Union Plaza and Mountain View; as the revised ordinance stands, only 501(c) non-profit organizations would be allowed to apply for the City

alcohol permit; while the overall intent for the revision of the ordinance was to include all sites within the City's park system where alcohol consumption should be allowed, it was not intended to limit permits to non-profit organizations for all of the listed locations; rather, the goal was to allow alcohol consumption at parties by not only non-profit organizations, but also private individuals and for-profit entities at Mountain View and the Discovery Center; and this clarification was unintentionally omitted from the previous report, therefore, the ordinance was drafted based upon the report.

It was further advised that alcohol consumption at parties by individuals and for-profit organizations, as well as non-profit organizations, has been allowed at Mountain View for a number of years because the facility is an ideal location for weddings and receptions, and likewise, such events would be in high demand at the Discovery Center; these events would be allowed only after operational hours at the Discovery Center; and the proposed revision would not permit alcohol consumption at events held by individuals or for-profit organizations in Mill Mountain Park.

It was explained that the ordinance, as revised in April 2001, requires a \$500.00 damage/clean-up deposit for all events; however, it is recommended that the ordinance be revised to reduce the refundable damage/clean-up deposit to \$200.00 for events where alcohol will be served and \$100.00 for events without alcohol, because after discussing the deposit amount with users of the facilities, it is believed that many renters would not be able to afford a \$500.00 damage deposit.

The City Manager recommended that Council adopt an ordinance amending and reordaining City Code §24-97, Possession or consumption of alcoholic beverages, Article IV, Parks, Chapter 24, Public Buildings and Property; to allow for consumption and possession of alcoholic beverages at events held by non-profit entities, for-profit entities and individual entities, pursuant to issuance of a City Alcohol Permit, at Mountain View and the Discovery Center; and that the Fee Compendium be amended to reflect a new refundable damage/clean-up deposit of \$200.00 for events serving alcohol and \$100.00 for events not serving alcohol.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Bestpitch offered the following emergency ordinance:

(#35385-060401) AN ORDINANCE amending and reordaining subsection (b) of §24-97, Possession or consumption of alcoholic beverages, of Article IV, Parks, of

Chapter 24, Public Buildings and Property Generally, of the Code of the City of Roanoke (1979), as amended, to allow for consumption and possession of alcoholic beverages at private events, pursuant to issuance of a City alcohol permit, at Mountain View and the Discovery Center; amending the Fee Compendium to reflect a new refundable damage/clean-up deposit; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Bestpitch moved the adoption of Ordinance No. 35385-060401. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, White, and Mayor Smith--5.

NAYS: Council Member Hudson-----1.

(Council Member Harris was absent.)

REFUSE COLLECTION-RECYCLING: The City Manager submitted a statement of concurrence in connection with a bid committee report regarding recycling services.

The Bid Committee advised that the goal of the Solid Waste Management Division is to begin commingled collection of recyclables from all residents on July 1, 2001; the new program will allow residents to recycle a broader range of products on a weekly basis, alternating between mixed paper products one week and a mixture of metal, plastic and glass containers the following week; and disposal services for paper commodities, as well as bottle and can commodities are needed.

It was further advised that two separate bids were advertised; three responses were received for paper commodities and two responses were received for bottle and can commodities; considered together, the best bids were submitted by Cycle Systems, Inc., and are dependant upon accepting both bids, with better pricing offered for meeting a certain threshold; i.e.: if both commodities total less than 300 tons per month, Cycle Systems would charge \$5.00 per ton for paper commodities and bottles and cans would be disposed at \$0.02 per pound (\$40.00 per ton); if the total for both commodities is greater than 300 tons per month, there would be no charge by Cycle Systems for disposal of either commodity (recycling totals averaged 128 tons per month from December 2000 through March 2001); and it is anticipated that with proper promotion, education and the expansion of the commingled program

to all residences, Roanoke can achieve the 300-ton per month goal.

The Bid Committee recommended acceptance of the bids submitted by Cycle Systems, Inc., and that the City Manager be authorized to execute a contract with Cycle Systems, Inc., to be approved as to form by the City Attorney (for acceptance of both the paper commodities bid and the bottle and can commodities bid); and reject all other bids received by the City.

(For full text, see communication on file in the City Clerk's Office.)

Mr. White offered the following resolution:

(#35386-060401) A RESOLUTION authorizing the acceptance of two bids, and execution of a contract with Cycle Systems, Inc., for the provision of recycling services for paper commodities, and for bottle and can commodities, upon certain terms and conditions, and rejecting all other bids received.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. White moved the adoption of Resolution No. 35386-060401. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

DIRECTOR OF FINANCE:

DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the month of April, 2001.

(For full text, see Financial Report on file in the City Clerk's Office.)

Without objection by Council, the Mayor advised that the Financial Report would be received and filed.

BUDGET: The Director of Finance submitted a written report advising that the City of Roanoke's Internal Service Funds account for certain services provided to City departments; Internal Service Funds recover their costs by charging the receiving departments for services provided; budgeted funds for internal services are allocated in the General Fund in each fiscal year's budget throughout various departments based on estimated usage with usage varying from the original estimates; each fiscal year, at this time, it is necessary to make appropriations transfers between departments to provide sufficient funds for internal services for the remainder of the fiscal year; and transfers do not increase the overall General Fund budget, but reallocate amounts between departments.

The following is a summary of total transfers:

| | Budget Amount Before Transfers | Transfers In/Out | Revised Budget Amount |
|---|-----------------------------------|---------------------|--------------------------|
| Department of Technology | \$3,122,551.00 | \$0.00 | \$3,122,551.00 |
| Department of Technology - PC Rental | 593,000.00 | 0.00 | 593,000.00 |
| Management Services | 95,975.00 | 0.00 | 95,975.00 |
| Risk Management Overhead | 598,080.00 | 0.00 | 598,080.00 |
| Fleet Management | 1,726,500.00 | (44,348.00) | 1,682,152.00 |
| Fleet Rental | <u>1,050,000.00</u> | <u>44,348.00</u> | <u>1,094,348.00</u> |
| Total | <u>\$7,186,106.00</u> | <u>\$0.00</u> | <u>\$7,186,106.00</u> |

The Director of Finance recommended that Council adopt a budget ordinance which will accomplish the required transfers.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35387-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35387-060401. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

BUDGET-CITY EMPLOYEES: The Director of Finance submitted a written report advising that the fiscal year 2000-2001 General Fund budget included funds in the nondepartmental category for unemployment wages and termination (vacation) leave wages; these fringe benefits are budgeted at estimated amounts in the nondepartmental category because annual charges of each department are difficult to project; and actual costs are charged to departments in anticipation of budget transfers to cover the costs.

It was further advised that a proposed budget ordinance transfers funds from the nondepartmental category to applicable City departmental budgets; as needed, available funding related to one type of fringe benefit is used to supplement funding needed in another area, such as retiree medical insurance, extended illness leave payments and termination leave wages; and transfers do not increase the General Fund budget in total, but only reallocate amounts between departments.

The following is a summary of the total transfers:

| | <u>Budget Amount Before Transfers</u> | <u>Transfers In/Out</u> | <u>Revised Budget Amount</u> |
|-------------------------|---|-----------------------------|----------------------------------|
| FICA | \$4,554,422.00 | (\$232,089.00) | \$4,322,333.00 |
| Unemployment Wages | 35,000.00 | 772.00 | 35,772.00 |
| Extended Illness | 0.00 | 19,215.00 | 19,215.00 |
| Termination Leave Wages | <u>91,275.00</u> | <u>212,102.00</u> | <u>303,377.00</u> |
| Total | <u>\$4,680,697.00</u> | <u>\$0.00</u> | <u>\$4,680,697.00</u> |

The Director of Finance recommended that Council adopt a budget ordinance providing for the required transfers.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35388-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35388-060401. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

CITY CODE-TAXES-UTILITIES: The Director of Finance submitted a written report advising that in October 2000, the Consumer Utility Tax Ordinance was amended to comply with legislation which deregulated the electric and natural gas industries in the state; and review of legislation indicates that the due dates of the monthly tax remittances need to be changed to correspond to the legislation.

It was further advised that currently, the City Code provides that the Consumer Utility Tax is due on the 20th day of the month following the month in which the tax was collected; Section 58.1-3814, Code of Virginia (1950), as amended, specifies that the utility shall remit “such tax to the appropriate locality in accordance with Section 58.1-2901.”; Section 58.1-2901, which pertains to the new Consumption Tax (not the consumer utility tax), details that the tax “shall be remitted monthly on or before the last day of the succeeding month of collection,” which means that under the new legislation, both the existing Consumer Utility Tax and the local portion of the new Consumption Tax are due to the locality on or before the last day of the month following the month in which the tax was collected.

It was explained that this change will bring the City Code into compliance with the Code of Virginia and will ensure consistent payment dates for electric and natural gas utilities for both the Consumer Utility Tax and the Consumption Tax; and although the City will be receiving tax payments ten to eleven days later than previously received, the fiscal impact will be nominal.

The Director of Finance recommended that Council adopt an ordinance amending the electric and natural gas consumer utility tax, to provide for a payment date as specified in Section 58.1-2901, Code of Virginia (1950), as amended.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35389-060401) AN ORDINANCE amending subsection (4) of §32-169, Electric consumer utility tax, and subsection (4) of §32-170, Natural gas utility tax, of Article VII, Tax on Purchase of Utility Services, of Chapter 32, Taxation, of the Code of the City of Roanoke (1979), as amended, by changing the utility tax due date for electric and gas utilities from the twentieth of the month to the date on or before the last day of the succeeding month of collection, in compliance with the Code of Virginia; and providing for an emergency and an effective date.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35389-060401. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

BUDGET-HOTEL ROANOKE CONFERENCE CENTER: The Director of Finance submitted a written report advising that the Hotel Roanoke Conference Center Commission was created by the Virginia General Assembly in 1991 to construct, equip, maintain and operate the Conference Center of Roanoke adjacent to the Hotel Roanoke; the City of Roanoke and Virginia Tech are participating entities in the Commission; in 1992, Council authorized establishment of an Agency Fund entitled, "Hotel Roanoke Conference Center Commission"; enabling legislation for the Commission allows for the participating parties to equally contribute funds to the Commission to fund operating deficits of the Commission and to enable the Commission to expend such revenues for their proper purposes; the budget must be approved by each of the participating entities, and Council included \$175,000.00 in the fiscal year 2001-02 General Fund adopted budget to be used for such purposes.

The Director of Finance recommended that Council approve the Hotel Roanoke Conference Center Commission budget for fiscal year 2001-02, appropriate \$350,000.00 to Conference Center Agency Fund accounts and establish revenue estimates of \$175,000.00, each, for City of Roanoke and Virginia Tech contributions.

(For full text, see report on file in the City Clerk's Office.)

Mr. White offered the following emergency ordinance:

(#35390-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Hotel Roanoke Conference Center Commission Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. White moved the adoption of Ordinance No. 35390-060401. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

Mr. White offered the following resolution:

(#35391-060401) A RESOLUTION approving the annual operating budget of the Hotel Roanoke Conference Center Commission for Fiscal Year 2001-2002.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. White moved the adoption of Resolution No. 35391-060401. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

BUDGET-HOUSING/AUTHORITY-GRANTS: The Director of Finance submitted a written report advising that by agreement with the City of Roanoke, the Roanoke Redevelopment and Housing Authority administers a large segment of the City's Community Development Block Grant program; the Housing Authority receives program income during the course of its administration of various projects through the sale of land and the receipt of loan repayments from project area residents; the Housing Authority is required to transfer program income to the City of Roanoke; and the City is required to use the income for eligible community development activities.

It was further advised that the Housing Authority has made payments to the City, in the amount of \$189,007.00 from December 1, 2000, to May 15, 2001, in excess of revenue estimates previously adopted; of this amount, \$104,385.00 resulted from the sale of property, \$25,900.00 in parking lot rental, and \$58,722.00 from various loan repayment programs; and the City has received the following miscellaneous program income, which amounts represent the difference between what was actually received and the amount that was previously adopted based on repayment estimates.

**\$60,050.00 from the Williamson Road Parking Garage
which was constructed in part using CDBG funds.**

\$6,929.00 in various loan repayments.

The Director of Finance recommended that Council appropriate the total \$255,986.00 in unanticipated CDBG program income as follows:

| | |
|---|---------------------|
| Unprogrammed CDBG - Other - FY01 (035-G01-0140-5189) | \$ 66,979.00 |
| Unprogrammed CDBG - RRHA - FY01 (035-G01-0140-5197) | 189,007.00 |

It was explained that the amounts being appropriated to unprogrammed accounts will be available for future appropriation for eligible community development purposes; the Housing Authority also administers a segment of the City's HOME program; assistance provided by the Housing Authority is predominantly in the form of low- or no-interest active and deferred loans to eligible homeowners and homebuyers; loan repayments constitute program income to the City's HOME program; and as of May 15, 2001, loan repayments received in excess of the budget estimate equal \$11,516.00.

The Director of Finance recommended that Council appropriate \$11,516.00 to

Unprogrammed HOME - FY01 Account No. (035-090-5323-5320), which will be available for future appropriation for eligible HOME activities.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35392-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35392-060401. The motion was seconded by Mr. White and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

REPORTS OF COMMITTEES: None.

UNFINISHED BUSINESS: None.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: None.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

ARMORY/STADIUM-CIVIC CENTER: Council Member Hudson advised that as a part of Council's fiscal year 2001-02 budget study session on May 7, 2001, Council agreed to delay action with regard to the future of Victory Stadium to provide the City Manager with more time to review other potential sites for a stadium facility, which action was taken at the request of Council Member Wyatt. He stated that due to

illness, he was unable to attend the City Council meeting which was held on Monday, May 21, 2001, at which time Council voted to authorize the City Manager to negotiate for the acquisition of land across Orange Avenue from the Roanoke Civic Center for construction of a multi-purpose facility (stadium and amphitheater), at a project cost not to exceed \$18 million. He advised that since he is rarely absent from City Council meetings, out of professional courtesy, the vote by Council should have been deferred until all Members of the Council were in attendance.

ACTS OF ACKNOWLEDGMENT-NEIGHBORHOOD ORGANIZATIONS-ROANOKE NEIGHBORHOOD PARTNERSHIP: Council Member Bestpitch advised that he attended the Annual Conference of Neighborhoods USA in Pittsburgh, Pennsylvania, on May 23 - 26, 2001, and commended the young people who represented the City of Roanoke at the Conference.

ACTS OF ACKNOWLEDGMENT-SCHOOLS: Council Member Wyatt commended City staff for their assistance in connection with a tour of certain City facilities by second grade students from Westside Elementary School on May 23, 2001.

OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS: None.

At 3:05 p.m., the Mayor declared the meeting in recess for continuation of the closed sessions that were approved by Council at its 12:15 p.m. session.

At 3:35 p.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding, and all Members of the Council in attendance, with the exception of Council Member Harris.

COUNCIL: With respect to the four Closed Meetings just concluded, Mr. Carder moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

OATHS OF OFFICE-TRAFFIC-COMMITTEES: The Mayor advised that the term of office of David A. Morgan and Billie Abshire as members of the City of Roanoke Transportation Safety Commission expired on October 31, 2000; and the term of office of Robert K. Bengtson as a member of the Transportation Safety Commission will expire on October 31, 2002, and called for nominations to fill the vacancies.

Mr. Bestpitch placed in nomination the names of David A. Morgan, Billie Abshire, and Kenneth King.

There being no further nominations, David A. Morgan and Billie Abshire were reappointed for terms ending October 31, 2004, and Kenneth King was appointed to fill the unexpired term of Robert K. Bengtson, ending October 31, 2002, as members of the City of Roanoke Transportation Safety Commission, by the following vote:

FOR MESSRS KING, AND MORGAN, AND MS. ABSHIRE: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

(Council Member Harris was absent.)

OATHS OF OFFICE-COMMITTEES-YOUTH: The Mayor advised that there is a vacancy on the Youth Services Citizen Board and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Wendi Wagner.

There being no further nominations, Ms. Wagner was appointed as a member of the Youth Services Citizen Board for a term ending May 31, 2004, by the following vote:

FOR MS. WAGNER: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

(Council Member Harris was absent.)

There being no further business, the Mayor declared the meeting adjourned

at 3:40 p.m.

A P P R O V E D

ATTEST:

**Mary F. Parker
City Clerk**

**Ralph K. Smith
Mayor**